

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY
LITIGATION

Master File No. 2:12-MD-02327
MDL 2327

THIS DOCUMENT RELATES TO

Lead Consolidated Case:

Mullins, et al. v. Ethicon, Inc., et al.
Civil Action no. 2:12-cv-02952

Whisner, et al v. Ethicon, Inc., et al.
Civil Action No. 2:14-cv-13023

INACTIVE DOCKET ORDER

The Court has been advised by counsel that the plaintiffs and Ethicon, Inc., Johnson & Johnson, and Ethicon LLC, where named (together referred to as "Ethicon") have agreed to a settlement model with regard to Ethicon. The Court, therefore, finds it unnecessary to conduct further proceedings or to keep this case on the active docket. Accordingly, the Court **ORDERS** as follows:

1. All pretrial deadlines in the *Mullins* consolidated case (2:12-cv-02952) are suspended with respect to this plaintiff.
2. That the Clerk retire this case from the active docket.
3. Plaintiffs and Ethicon may submit an agreed order of dismissal with prejudice on or before September 1, 2017; if settlement is not finalized and a dismissal order is not submitted

by September 1, 2017, then the Court will have a hearing to determine the appropriate action pertaining to this case.

Counsel for plaintiffs and defendant(s) are directed to provide quarterly reports as to their progress in dismissing cases on the inactive docket. The Court is aware that counsel have agreed to a settlement model for a group of cases and claims. The Court will reinstate any case to the active docket if one of the parties, on motion, shows good cause for such reinstatement. Good cause includes, but is not limited to, a plaintiff's refusal or inability to consummate settlement. Such motion must be accompanied by an affidavit from plaintiff explaining such refusal or inability.

The Court **DIRECTS** the Clerk to file a copy of this order in MDL No. 2327, in *Mullins, et al. v. Ethicon, Inc.*, Civil Action No. 2:12-cv-2952 and in *Whisner, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:14-cv-13023. The Clerk is further **DIRECTED** to send a copy of this Order to counsel of record and any unrepresented party and to link this Order to the Proposed Inactive Docket Order filed at ECF No. ____

AGREED TO BY COUNSEL:

Plaintiff
By authorized counsel:

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Counsel for Defendants

APPROVED:

Dated: _____

Honorable Joseph R. Goodwin

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